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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,240	11/06/2001	Robin Mackay	9268.00	5477

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EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,240

Applicant(s)

MACKAY, ROBIN

Examiner

Tu X Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1, 7-8, 10, 15-17, 19 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 13-20 and 24, are rejected under 35 U.S.C. 102(e) as being anticipated by Sathyanarayan (US Patent 6,691,106).

Regarding claims 1 and 24, Sathyanarayan discloses a method of sharing consumer information between consumers via a communications network that comprises a data store accessible by a plurality of terminals each associated with a respective consumer, the method comprising:

receiving information entered into a terminal by a providing consumer about a product, service or supplier into their terminal and uploading that information to the data store (see col.3 line 62 through col.4 line 11);

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classifying the entered information into one of a number of predefined channels , each channel designating a category for information that can be provided by providing consumers and useful for guiding consumer decisions relating to products, services or suppliers to which the information relates, each channel identifying a particular consumer area of interest about a product, service or supplier (see col.1 lines 55-65);

storing the classified information (see col.4 lines 5-9);

storing a profile of a requesting consumer that identifies the channels associated with the requesting consumer (see col.3 line 61 through col.4 line 9 and col.6 lines 40-54);

receiving a requesting for information about the product, service or supplier entered into a terminal by a requesting consumer (see col.4 lines 10-14); and

in response to the request, downloading information to the requesting consumer if that information relates to the product, service or supplier and was classified into any of the channels defined by the requesting consumer's profile (see col.4 lines 10-35).

Regarding claim 2, Sathyanarayan discloses the requesting consumer's profile is stored on a repository accessible by the network and is retrieved from storage in response to the request for information (see col.3 lines 31-52).

Regarding claim 3, Sathyanarayan discloses providing to the requesting consumer a list of channels defined by the requesting consumer's profile that contain information on the product, service or supplier specified by the requesting user (see col.7 line 52 through col.8 line 20).

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Regarding claim 4, Sathyanarayan discloses further comprising the step of receiving a choice from among the available channels and wherein the step of downloading information includes downloading only information associated with channels chosen by the requesting user the requesting user (see col.7 line 52 through col.8 line 19).

Regarding claims 5 and 18, Sathyanarayan discloses the providing consumer or his or her terminal classifies the entered information into channels (see col.7 line 35-36).

Regarding claims 6 and 9, Sathyanarayan discloses providing consumer specifies the channel or channels into which information is to be input, and inputs information into each specified channel (see col.7 7 lines 35-42).

Regarding claims 7-8, 10, 17 and 19, Sathyanarayan discloses everything as claim 1 above. More specifically, Sathyanarayan discloses a method of sharing consumer information between consumers via a communications network (see col.3 lines 47-54) and useful for guiding consumer decisions relating to products (see col.3 lines 12-30).

Regarding claims 15-16, Sathyanarayan discloses everything as claim 1 above. More specifically, Sathyanarayan discloses a filter responsive to the requesting consumer's profile, the filter being set to permit download of information the requesting consumer only if that information relates to the product, service or supplier and was classified into any of the channels define by the requesting consumer profile (see col.4 lines 10-19).

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Regarding claim 13, Sathyanarayan discloses the requesting consumer bookmarks the product, service or supplier (see col.2 lines 60-66).

Regarding claim 14, Sathyanarayan discloses information is downloaded to a different terminal to that into which the requesting user entered the request for information (see col.4 lines 19-27).

Regarding claim 19, Sathyanarayan discloses everything as claim 1 above. More specifically, Sathyanarayan discloses "responsive to a request for information to recognize the requesting consumer and to recall a profile that identifies the channels corresponding to consumer issues of interest to the requesting consumer (see col.12 lines 39-54).

Regarding claim 20, Sathyanarayan discloses storing the requesting consumer's profile and retrieving the requesting consumer's profile from storage in response to the request for information (see col.4 line 62 through col.4 line 27).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-12, and 21-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sathyanarayan (US Patent 6,691,106) in view of Stern et al. (US Patent 2002/0174035).

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Regarding claims 11-12 and 21-22, Sathyanarayan fails to disclose a unique alphanumeric/code identifier associated with the product, service or supplier.

Stern et al. disclose a unique alphanumeric/code identifier associated with the product, service or supplier (see fig.6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sathyanarayan with the above teaching of Stern et al. in order provide program code for facilitating the placement of an item for sale.

Regarding claim 23, the modified Sathyanarayan discloses the uniquely coded identifier comprises a barcode or a RF tag (see Stern et al., par.0022).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 703-305-3427. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

November 9, 2004


NAY MAUNG

SUPERVISORY PATENT EXAMINER